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Held at Headquarters, New York, on Friday, 23 October 2015, at 10 a.m.

Chair: Mr. Mohamed (Vice-Chair) ..... (Guyana)

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In the absence of Mr. Hilale (Morocco), Mr. Mohamed (Guyana), Vice-Chair, took the Chair.

The meeting was called to order at 10.05 a.m.

Agenda item 72: Promotion and protection of human rights (*continued*) (A/70/40)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*) (A/70/56, A/70/111, A/70/154, A/70/166, A/70/167, A/70/203, A/70/212, A/70/213, A/70/216, A/70/217, A/70/255, A/70/257, A/70/258, A/70/259, A/70/260, A/70/261, A/70/263, A/70/266, A/70/270, A/70/271, A/70/274, A/70/275, A/70/279, A/70/279/Corr.1, A/70/285, A/70/286, A/70/287, A/70/290, A/70/297, A/70/303, A/70/304, A/70/306, A/70/310, A/70/316, A/70/334, A/70/342, A/70/345, A/70/347, A/70/361, A/70/371, A/70/405, A/70/414, A/70/415 and A/70/438)

(c) Human rights situations and reports of special rapporteurs and representatives (*continued*) (A/70/313, A/70/332, A/70/352, A/70/362, A/70/392, A/70/393, A/70/411 and A/70/412; A/C.3/70/2, A/C.3/70/4 and A/C.3/70/5)

1. **Mr. Carrión Mena** (Chair of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families) said that the Committee on Migrant Workers was commemorating the twenty-fifth anniversary of the adoption of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, while there were now more than 232 million migrants throughout the world, half of them women and an estimated 20 per cent in an irregular situation. Many migrants risked their lives in trying to reach their destination. Thousands died every year in the Mediterranean Sea and the Indian and Pacific Oceans, or crossing the deserts and rivers of Africa and the Americas. Increased border security and reduced opportunities for legal migration were forcing migrants to seek more perilous routes, often relying on smugglers or traffickers. Restrictive State law enforcement policies had put them at greater risk and left them more vulnerable to human rights abuses and violations. Thousands of migrants were subjected to abuse and exploitation in the fishing industry in Asia, in construction and domestic work in the Middle East, and in the agricultural fields of Europe and North America. Migrants often did not have the right to unionize to protect their rights, and migrant domestic workers often were not covered by labour laws.

2. Migrant workers were not commodities but human beings with human rights. As populations aged and shrank in developed countries while increasing dramatically in developing ones, international migration would continue to grow and should be a positive and empowering experience for individuals and their societies. The Convention was more relevant than ever, but disappointingly, only 48 States had ratified it, and none of the major destination developed States had done so. He called upon those States that were not yet parties to ratify or accede to the Convention, as it provided a comprehensive normative framework for defining national and international migration policy.

3. Madagascar had been the forty-eighth State party to ratify the Convention, depositing its instrument of ratification on 13 May 2015. To date, 4 States had made the declaration recognizing the Committee's competence to receive and consider individual communications, in accordance with article 77 of the Convention. That provision would come into force when 10 States parties had made the declaration.

4. In addition to its efforts to promote the Convention, which were outlined in the report of the Committee (A/70/48), the Committee had worked with competence and dedication to assist States parties in complying with, and implementing, their treaty obligations. Despite progress, there remained enormous challenges. The potential of the Convention to bring about change at the national and international level had not been fully exploited, largely as a result of the lack of visibility, accessibility, comprehension and political will. However, the Convention had led to important changes on the ground, including improvements in laws, policies and programmes. It was incomprehensible that, at the time of the largest migratory flows of people in history, there was a lack of political will to ensure that appropriate priority was given to ensuring the protection of the human rights of migrants. He called on States to accord the appropriate attention to the plight of migrant workers and their families, including through ratification of the Convention.

5. **Mr. Ríos Sánchez** (Mexico) asked what actions or measures the Committee could take to encourage the States affected by the current migration situation to consider signature and ratification of the Convention.

6. **Mr. Rabi** (Morocco) asked what additional actions could be taken to encourage more States to sign the Convention and how States parties could assist with such actions. He was also interested to hear how the Committee, when reviewing the situation in individual States, could consider the transnational aspects of migration, as countries of origin, transit and destination were involved, as well as drug trafficking networks.

7. **Ms. Al-Rumeihi** (Qatar) said that, pursuant to recent amendments to her country's Labour Act, employers were required to pay employee salaries by bank transfer within seven days of the mutually agreed payment date, and an office on wage protection had been established within the Labour Inspection Department to ensure that employers complied with that new requirement. Qatar had also established standards for workers' housing to ensure that they lived in safe and sanitary accommodation, had approved new high-quality housing developments and recreational facilities for migrant workers and ensured that all migrant workers enjoyed access to health care, banking and other services. Migrant workers could report health or safety standard violations anonymously to the Ministry of Labour and Social Affairs and submit anonymous testimonies to specialist labour courts. Qatar had also increased the penalties for violations of labour legislation, and employers that failed to pay workers' salaries in a timely fashion were liable to criminal prosecution. Qatar was committed to strengthening its protections for migrant workers and would continue to work with all special rapporteurs with a view to bolstering respect for human rights within the country.

8. **Mr. Habib** (Indonesia) said that an estimated 4.5 million Indonesians were working overseas, and Indonesia had played an active role in the efforts to create a regional legal framework for the protection of migrant workers through the adoption of a legally binding instrument by the Association of Southeast Asian Nations (ASEAN). Indonesia urged all States, and particularly the destination States, to ratify the Convention. Lastly, he asked what could be done to ensure broader ratification of the Convention, in particular by the destination States.

9. **Mr. Carrión Mena** (Chair of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families), responding to questions, said that seeking further ratification of the Convention probably did not fall within the mandate of the Committee on Migrant Workers. However, its members continued to call on States to ratify the Convention, and he had personally urged the developed States of destination to do so.

10. Developing States were not only countries of origin, transit and destination, but also countries of return. Ecuador, for example, had many emigrants in the United States of America and in Europe, while receiving immigrants from Colombia, Peru and other South American countries and also serving as a transit country for migrants on their way to the United States or Brazil. In addition, Ecuador was a country of return, as the improved economic situation in that country, together with the crisis in Europe, had led to the return of many Ecuadorians who had emigrated about ten years previously to Europe, and in particular to Spain. The process of reintegration now had to be addressed.

11. It was the task of the United Nations and its Member States to explain the benefits of the Convention and promote its ratification. It consolidated in a single international instrument the rights already contained in others such instruments, including the international human rights covenants and, on work issues, many of the International Labour Organization conventions. Unfortunately, the issue of ratification had been politicized. The increased border surveillance and security measures that were currently being imposed should be reconsidered by the developed States that were benefitting from the labour of migrants.

12. With regard to cross-border issues, the Committee issued recommendations and made its concerns public when situations arose between States parties to the Convention, as was currently the case in Turkey. In the case of the situation of children crossing the border between Mexico and the United States, which was not a State party, the Committee issued a press release expressing its concern about the situation. In each case, it was very important to understand the relations between the States concerned. In many cases of African States, there were links of nationality and friendship between populations in border areas that made it difficult to take immediate action. However, in the current international situation, with the human

tragedy that was occurring in the Mediterranean and in Turkey, Syria and Iraq, migration could be better managed if the States concerned became parties to the Convention.

13. The laws adopted by Qatar to protect migrant workers were most welcome, but signature and ratification of the Convention would still be the best way to respond to the complaints made concerning poor treatment of migrant workers in connection with the preparations for the 2022 World Cup. As for European States, they might as well ratify the Convention, as their own legislation already contained more extensive provisions.

14. Migration was a vital issue of the current international agenda. The Global Forum on Migration and Development was an ad hoc body in which all States participated but which but did not adopt resolutions. However, the discussion of migration and development should adhere to human rights and should take place in the context of the United Nations.

15. **Mr. Crépeau** (Special Rapporteur on the human rights of migrants), introducing his report (A/70/310), said that it focused on the impact of unethical recruitment practices on the human rights of migrants, particularly low-wage workers, during labour migration. Just as recruitment practices had been engineered to create a precarious situation in which migrant workers had little option but to accept the exploitative conditions offered to them, it was also possible to engineer a framework that respected the dignity and human rights of migrants. A combination of the resourcefulness of migrants, the desire of the business community for a level playing field and the political will of Governments could make egregious recruitment practices a thing of the past.

16. **Mr. Mack** (United States of America) said that the past several years had been marked by an increase in irregular mixed migration flows, including across the Central Mediterranean and the Aegean Sea, across the Bay of Bengal and the Andaman Sea and from Central America to the United States southern border. Those people were seeking peace, security, economic independence and educational opportunities for their children. Most of all, they simply hoped for a future.

17. The United States prohibited fraudulent practices and the charging of recruitment fees, and encouraged other States to do the same. He noted that some private recruitment agencies were shielded from scrutiny by their connections in the countries of origin, destination or transit, and he asked what could be done to address that situation.

18. **Ms. Tschampa** (European Union) said that the Global Approach to Migration and Mobility of the European Union was intended, inter alia, to organize and facilitate legal migration and to prevent trafficking in human beings. The European Union and its member States were also firmly committed to implementation of the United Nations Guiding Principles on Business and Human Rights. Pursuant to the new European Union Action Plan on Human Rights and Democracy (2015-2019), European Union member States would continue to develop and implement national actions plans on the implementation of the Guiding Principles or integrate them into national corporate social responsibility strategies by 2017.

19. She asked the Special Rapporteur what incentives there were for the private sector to opt for a more ethical approach and to implement the recommendations set out in the report. She was also interested to hear how women migrant workers could be better protected, bearing in mind that many of those employed in the informal economy were excluded from labour law protections.

20. **Mr. Ríos Sánchez** (Mexico) said that his country had introduced legislative reforms and had drafted public policies that were consistent with the recommendations set out in the report. As part of the labour reform, recruitment agencies seeking Mexican workers within Mexico for work abroad had to meet certain requirements, and any agency that deceived workers with regard to their future working conditions was responsible for paying the costs of repatriation. With regard to the promotion of ethical cross-border recruitment, the Government of Mexico was facilitating the granting of work permits in the border areas with Guatemala and Belize. From January to October 2015, a total of 13,000 such permits had been issued. He asked the Special Rapporteur to comment further on the topic of returning migrants.

21. **Ms. Wagner** (Switzerland) said that her country had launched a multi-year programme to promote the equitable and ethical recruitment of migrant workers, in cooperation with the International Labour Organization (ILO) and the International Organization for Migration (IOM). Switzerland was convinced that reducing the economic and social costs of recruitment

would contribute to protecting the human rights of migrants and strengthen their impact on development. In response to the Special Rapporteur's call for investment in data collection in order to gain a better understanding of migration trends, she suggested that the Global Knowledge Partnership on Migration and Development (KNOMAD) could play a role in that regard. Lastly, she asked how ethical recruitment issues could be integrated into private-sector policies in order to ensure transparency and global responsibility.

22. **Mr. Sarki** (Nigeria) said that his delegation condemned the utter disregard for human life shown by smugglers and traffickers. Nigeria also condemned the maltreatment of migrants in transit and destination States, which was a violation of international humanitarian and international refugee law. All States should work to ensure humane and dignified treatment for all migrants. Nigeria had adopted a national policy on migration and a national action plan in May 2015.

23. Nigeria fully supported the call for concerns about the vulnerability of migrant workers to abuse and exploitation by unethical recruiters to be taken into account in the implementation of the Sustainable Development Goals and in migration management. Concerned at the low number of States parties to the Convention, Nigeria encouraged those States that had not yet done so to accede to the Convention, in particular the destination States.

24. **Mr. El Nour** (Observer for the International Organization for Migration) said that the Sustainable Development Goals included a reference to the need for data disaggregated by migratory status, and it was important for States and agencies to work together to make such data available. In many States, poor regulation or a lack of regulation of employment agencies' practices was the direct cause of many of the difficulties of migrant workers. Work contracts were not clear and were in some cases fraudulent, because the conditions were not explained beforehand. Labour ministries should exercise greater oversight and States should ratify the international conventions and agreements on decent work and employment. The regulatory framework should also address the need to bring to account the violators of established labour rules and regulations. It was also important to put an end to the involvement of traffickers and smugglers, who were increasingly taking advantage of unregulated markets.

25. On a more positive note, migration would continue to make a positive contribution to the economies and development of many countries around the world. It had to be well managed and should take advantage of the recently adopted 2030 Agenda for Sustainable Development, and specifically the targets for migration, one of which was to facilitate orderly, safe, regular and responsible migration and mobility of people, including through the implementation of planned and well-managed migration policies.

26. IOM had developed the International Recruitment Integrity System (IRIS) to support ethical recruitment and he urged all States to make use of it. Lastly, he reaffirmed that IOM was available to help Member States in their efforts to address migrant workers requirements in innovative ways through temporary work arrangements, seasonal migration opportunities, and so on.

27. **Ms. Schneider Claza** (Brazil) said that the report of the Special Rapporteur provided an important framework for addressing unethical recruitment schemes. In the context of the hardships faced by migrants, especially undocumented ones, with regard to access to justice, she asked whether the denial of access to justice had been observed worldwide and how that adverse practice could be addressed.

28. **Ms. Al-Temimi** (Qatar) said that the Special Rapporteur on the human rights of migrants had visited Qatar in 2014 to learn first-hand about the human rights situation in the country. Qatar was striving to ensure that the rights of migrant workers and all other individuals in the country were fully respected.

29. **Mr. Canay** (Turkey) asked how Member States could work with the private sector to ensure that its perspective was taken into account in legal and policy debates and that the private sector pursued a human rights-based approach. He was also interested to hear whether any good practices had been identified.

30. **Ms. Hubschmid** (Costa Rica) said that her country's Department of Human Integration and Development had developed a comprehensive migration policy for the period 2013-2023 with a human rights-based approach. She asked the Special Rapporteur to elaborate further on the recommendation in his report that the Working Group on Business and Human Rights should pay attention to the issue of recruitment practices and consider developing guidelines.

31. **Ms. Santamaría Ramírez** (Colombia) said that her country, recognizing the need for a new approach to migration, had strengthened the role of the Office of Migration. Through the programme "Colombia unites us", the Ministry of Foreign Affairs had been working with Colombians living abroad. More than 1,800 Colombians had already received services and assistance under the programme and, in 2015, assistance had been provided to about 700 returning Colombian migrants. There were plans to establish a management unit to formulate, suggest, implement and evaluate policy on labour migration. Colombia would submit its third report to the Committee on Migrant Workers by 2018.

32. **Mr. Crépeau** (Special Rapporteur on the human rights of migrants), responding to questions and comments, said that the main human rights violations affecting migrant workers around the world related to fees, contracts and the late payment or non-payment of wages. Those issues could be addressed in many ways through collaboration between the State and the private sector. A regulatory framework that prohibited the payment of fees and the confiscation of documents was not sufficient, and those requirements should be enforced through effective labour inspections. Such measures were difficult in the current economic context, but would definitely decrease exploitation. For small States that could not keep track of large numbers of independent recruitment agents, the solution would be to reduce the number of actors by requiring agents to form groups.

33. International cooperation was essential for management of the entire recruitment chain, from the village of origin to the destination. The destination States could open labour offices in the countries of origin, where contracts could immediately be registered, thereby preventing a subsequent switch to harsher conditions. Destination States should also work with the banking sector to ensure that every migrant worker had a bank account, so that payments could be tracked through bank records. The use of bank accounts would also reduce the cost of remittances, which was one of the targets of the Sustainable Development Goals.

34. The regulatory framework could include an obligation for regular auditing of the recruitment and employment chain by independent auditors to ensure that no fees were being paid. Business associations and ethical recruiters who faced unfair competition because they could not supply workers at the same cost as unscrupulous ones would welcome an auditing mechanism that levelled the playing field. In that connection, he welcomed the IRIS initiative of IOM. Companies with large numbers of foreign workers should be obliged to participate in such a system.

35. Dependency on a single employer (or the *kafala* system in the Gulf States) meant that a migrant workers could not report abuse to the courts without risking losing both job and work permit and being sent home with the recruitment fee debt still unpaid. Work permits should be based on a sector rather than a single employer, so that a worker could escape an abusive situation and find another job.

36. The regulatory framework should include mechanisms to empower migrant workers, in particular unionization, which had been of benefit to so many other workers over the past century. Migrant workers had no vote, but unionization would give them a voice to protest about unfair conditions. Unions, the business community and Governments should work together to find creative solutions to protect the human rights of migrant workers.

37. **Ms. Giammarinaro** (Special Rapporteur on trafficking in persons, especially women and children), introducing her report (A/70/260), said that the report focused on the due diligence obligations of State and non-State actors. In many parts of the world, trafficking was closely linked with migration. It involved exploitation of the most vulnerable, especially undocumented migrants, and often resulted in abuse, deception and violence. However, despite the fact that human trafficking was a gross human rights violation that affected all origin, transit and destination countries, and although trafficking, particularly for the purposes of labour exploitation, was becoming a systemic component in certain economic sectors, the phenomenon seemed to no longer be a priority consideration for many Governments and political parties. Trafficking was, in fact, becoming an integral part of societies.

38. Many migrants were victims of trafficking, or were at high risk of being trafficked on arrival at their destinations. Furthermore, in addition to labour exploitation, women and girls were often subjected on a regular basis to sexual exploitation and violence.

39. The linkage between trafficking, migration and conflict was frequently overlooked by States and other

authorities, whose attempts to reach out to those subjected to labour exploitation remained woefully inadequate. There was an urgent need for efficient procedures by which relevant stakeholders could identify situations of trafficking and exploitation of migrants in transit and upon arrival. States must renew their commitment to combat trafficking, and must adopt innovative, forward-looking approaches and uphold the principle of due diligence with a view to ensuring that they complied fully with their anti-trafficking and other relevant obligations pursuant to existing human rights instruments.

40. Due diligence facilitated a holistic and proactive approach to trafficking, but was often carried out by States only in reaction to events. As a result, States tended to focus on post-hoc anti-trafficking measures, such as investigation and prosecution of trafficking. Instead, the due diligence standard required States to take a proactive and long-term approach, aimed at fostering the social inclusion of trafficked and exploited persons. Due diligence provided the necessary framework to ensure the coherence of anti-trafficking policies and related policy areas. In particular, States and regional organization must evaluate the impact of migration policies on trafficking to ensure that they did not exacerbate the social vulnerability of migrants, whether they were asylum seekers, refugees or economic migrants, and increase the danger that they would be targeted by traffickers and other exploiters. The impact on anti-trafficking policies of decisions related to armed interventions and humanitarian action must also be carefully evaluated.

41. Prevention policies should, inter alia, provide for regulated migration and job opportunities in transit and destination countries, which would reduce demand among potential migrants for the services provided by traffickers. Employment and recruitment agencies must be carefully monitored and complaint procedures established so that workers could report any abuses by those agencies.

42. Due diligence processes could also facilitate efforts by corporations to uphold human rights by helping them identify and address any negative repercussions on those rights of their business activities. Although global companies often formulated policies and codes of conduct that prohibited forced labour and human trafficking, it was crucial to monitor compliance and impose penalties when violations were detected. Promoting the unionization of migrant and other workers, particularly in supply chains, was also a critical step in efforts to uphold workers' rights. States had an obligation to exercise due diligence through their laws and policies on business entities, including with regard to public procurement activities.

43. Other non-State actors, including armed groups, must also be held accountable if they failed to comply with human rights obligations, including the obligation to prevent trafficking for the purposes of exploitation by contractors and subcontractors of armed forces and peacekeeping forces operating in conflict areas. Accountability for persistent and heinous human rights violations arising from the presence of peacekeepers and the resulting demand for sexual services, which could contribute to trafficking for sexual exploitation, should be addressed as a matter of priority both in terms of prevention and prosecution. The due diligence principle also helped highlight and address challenges relating to access to remedies for trafficked and exploited persons. Indeed the failure of States to exercise due diligence in their efforts to address trafficking by non-State actors obliged them to provide effective remedies for victims of trafficking in persons, including restitution, rehabilitation, compensation, satisfaction and guarantees of non-repetition. Moreover, anti-trafficking measures should not adversely affect the human rights of victims of trafficking and should ensure that they enjoyed non-conditional access to remedies, including assistance and protection, which should be tailored to their individual preferences and needs, and should be provided on social protection grounds regardless of victims' willingness or ability to cooperate with the authorities.

44. The due diligence principle required broad and innovative implementation of obligations arising from the ratification of international instruments, including the Palermo Protocol. Rather than a law enforcement issue, trafficking in persons should be addressed, primarily, as a human rights, social and economic issue that required a consistent and long-term commitment on the part of all relevant stakeholders, as well as sustained political will.

45. **Ms. Moutchou** (Morocco) said that close collaboration between countries of origin, transit and destination was needed to prevent the exploitation of migrants by criminal networks. Morocco was amending its legislation to provide safeguards to victims of human trafficking and ensure that perpetrators were held accountable for their crimes,

and had established the Department of Migration and Border Monitoring to manage migration flows and combat human trafficking networks. She asked the Special Rapporteur whether she thought a road map should be formulated to help Member States draw up targeted preventative measures on human trafficking.

46. **Ms. Belskaya** (Belarus) said that, despite efforts made in recent years to enhance collaboration between States, international organizations, the special procedure mechanisms, civil society, the business community and other stakeholders in order to combat human trafficking, that scourge continued to pose serious challenges to the global community. Indeed, as had been highlighted in United Nations reports, the world was witnessing a significant rise in the number of persons trafficked. Those included large numbers of women and children, who were often at risk of sexual exploitation in addition to labour exploitation. An innovative and collaborative approach involving all relevant stakeholders, including States, was needed. However, the report focused on measures to ensure that victims of human trafficking received appropriate care and were reintegrated into society. She asked what States could do to address the root causes of trafficking, including the ongoing demand for sex workers and cheap labour.

47. **Mr. El Nour** (International Organization for Migration (IOM)) said that the IOM Missing Migrants Project collated and published data on migrants who lost their lives during their journeys. The Project had been launched with a view to empowering migrants and their families and supporting action to combat human trafficking. In 2014, IOM estimated that more than 40,000 migrants had lost their lives in transit. To prevent yet more tragic loss of life, all concerned States must adopt effective immigration policies and redouble their efforts to combat human trafficking networks. His delegation reiterated the Special Rapporteur's call for all stakeholders, including origin, transit and destination countries, to uphold the principle of due diligence. IOM was particularly concerned by increasingly frequent cases of human smuggling and trafficking in situations in which populations were receiving protracted humanitarian assistance, and noted that trafficking occurred more frequently when insufficient financial resources were made available to meet pressing humanitarian needs. To counter the activities of traffickers, IOM and the Office of the High Commissioner for Refugees (UNHCR) had formulated guidelines on how to raise awareness of the dangers of trafficking and the importance of providing assistance to victims.

48. **Mr. Bai** (Fiji) said that his country had established a trafficking in persons task force, enacted legislation to protect victims of slavery, trafficking, forced labour, deceptive recruiting and debt bondage, and recognized that perpetrators of those offences were not absolved of any responsibility for their crimes by the consent of their victims. Thus, for example, a trafficker of children could not hide behind a defence that the children agreed to be trafficked in order to help their families to survive. To decide whether a situation of exploitation was present, an objective assessment must be carried out of the economic relationship between traffickers and the trafficked, the trafficked persons' knowledge of the language spoken by officials in the receiving State, and the extent to which trafficked persons could access the justice system. The domestic courts of a State must, moreover, enjoy extraterritorial jurisdiction to rule on trafficking offences committed outside that State by its nationals. It was important to remove cultural and institutional barriers to justice that prevented victims from lodging complaints about exploitation. It was also essential to raise awareness among criminal justice officials of slavery, trafficking, debt bondage and forced labour, provide accessible and free legal aid to victims, promote gender sensitivity among investigators, prosecutors and judges, and establish national programmes to empower children. Providing redress for victims, strengthening inter-State and inter-institutional cooperation and ensuring that non-State actors, including business enterprises, upheld the principle of due diligence were also necessary.

49. **Ms. Zahir** (Maldives) said that her Government had taken significant steps to protect the rights of migrant workers. It had ratified the eight relevant International Labour Organization (ILO) conventions, adopted anti-trafficking legislation, and was implementing the 2015-2019 national action plan to combat trafficking in persons. The Maldives was also completing the process of acceding to the Trafficking in Persons Protocol. The Maldives recognized the importance of due diligence and of adopting an integrated and holistic approach in efforts to uphold the human rights of trafficked persons and persons at risk of being trafficked, and was working closely with IOM to enhance its migration management and

anti-trafficking procedures. She asked the Special Rapporteur whether many States had successfully adopted human rights-based approaches in their efforts to address the situation of victims of trafficking, particularly women and children.

50. **Ms. Tschampa** (Observer for the European Union) said that trafficking in persons, which was prohibited under the Charter of Fundamental Rights of the European Union, disproportionately affected women and children. To combat that grave form of organized crime, a holistic, human rights-based approach and international cooperation were crucial. The Union was deeply concerned about and actively monitoring the situation in the Mediterranean and emphasized that recent mass migrations had rendered vulnerable people a prime target for exploitation by traffickers. In June 2015, the Union had launched a naval operation to disrupt trafficking networks in the southern and central Mediterranean and reduce the tragic loss of life taking place there. The operation had recently been expanded to include boarding, search and seizure and diversion on the high seas of vessels that were suspected of being used for human trafficking or smuggling, in accordance with international law and Security Council resolution 2240 (2015). The Union had adopted a legal and policy framework to address trafficking into Europe and interregional trafficking for the purposes of all forms of exploitation, including labour and sexual exploitation. Major challenges still remained in the area of due diligence by non-State actors, however. In that regard, she asked how civil society organizations could help States draw up voluntary human rights due diligence mechanisms that were gender-sensitive, victim-centred and addressed all forms of exploitation.

51. **Mr. Mack** (United States of America) underscored the importance of proactive victim identification among populations vulnerable to the various forms of trafficking, including forced labour. The United States Government had elaborated guidelines to help officials identify victims of trafficking and funded a national hotline operated by a non-governmental organization to facilitate victim identification and refer victims to assistance providers. Noting that human trafficking was often overlooked in crisis situations, such as during armed conflicts or in the aftermath of natural disasters, he asked the Special Rapporteur if she could provide examples of crisis situations in which States had taken proactive steps to combat human trafficking.

52. **Ms. Wagner** (Switzerland) said that States had found it challenging to uphold the principle of due diligence when seeking to identify and protect victims of trafficking travelling with other migrants. Switzerland provided training to staff at reception centres for asylum seekers and, in the context of aligning its national legislative framework with the Palermo Protocol, was supporting the ongoing efforts by the United Nations Office on Drugs and Crime to provide a clear legal definition of trafficking. Switzerland encouraged States to contribute to those efforts. She asked the Special Rapporteur what steps should be taken to combat trafficking in crisis situations, whether there were any examples of good practices by non-State armed actors in the area of due diligence and how those actors could facilitate anti-trafficking efforts.

53. **Mr. Adeoye** (Nigeria) said that to combat trafficking, efforts must be made to reduce the demand for trafficked persons, particularly in destination countries, and steps must be taken to strengthen coherence between anti-trafficking, immigration, labour market and other relevant policies. Nigeria was firmly committed to implementing the Palermo Protocol and had elaborated robust legal and institutional measures to that end. In that connection, the National Agency for the Prohibition of Trafficking in Persons coordinated the country's anti-trafficking efforts. Effective coordination and intelligence sharing among origin, transit and destination States was crucial if States were to dismantle smuggling and trafficking networks.

54. Nigeria was particularly concerned by the trafficking and exploitation of children, and was taking firm action to combat that phenomenon, as well as to prevent forced marriage, rape and the abduction of children.

55. **Mr. Purevdorj** (Mongolia) said that his country had redoubled its efforts to prevent and combat trafficking in persons and had adopted anti-trafficking legislation that provided for the prosecution of perpetrators and the protection and provision of assistance to victims and witnesses. The National Sub-Council on Combating Trafficking in Persons, which included representatives from ministries, relevant Government agencies and civil society, coordinated national efforts to prevent and combat trafficking.

56. To safeguard the human rights of, and strengthen protections for, victims of trafficking and those at risk of being trafficked, it was essential that all

stakeholders upheld the principle of due diligence. Mongolia supported international initiatives to combating trafficking in persons, including within the context of the Human Rights Council, and would accord priority consideration to human trafficking issues if its candidacy for the Human Rights Council for the term 2016-2018 was successful. He asked the Special Rapporteur what she believed were the most effective steps that private business sector actors could take in order to exercise due diligence with a view to combating trafficking in persons.

57. **Ms. Hindley** (United Kingdom) said that her country's Government viewed trafficking in persons, servitude and forced or compulsory labour as modern forms of slavery. The United Kingdom was committed to promoting efforts to end those phenomena both domestically and internationally, including through the United Nations and other multilateral forums. The 2015 Modern Slavery Act facilitated efforts by United Kingdom law enforcement authorities to tackle modern slavery, provided for penalties up to and including life imprisonment for perpetrators and enhanced protection for victims. Moreover, all businesses with an annual turnover of 36 million pounds sterling that operated in the United Kingdom were required to disclose the steps they had taken to ensure that no forms of modern slavery, including human trafficking, occurred in their business or supply chains. The United Kingdom Government was also strongly committed to combating child abuse and sexual exploitation of children. She asked what the most effective steps were that could be taken to achieve the Sustainable Development Goal targets on modern slavery and human trafficking.

58. **Mr. Teffo** (South Africa) said that human trafficking was a crime against humanity. All States that had not yet ratified the United Nations Convention against Transnational Organized Crime and the Palermo Protocol should do so at the earliest opportunity. The Government of South Africa, an origin, transit and destination country for trafficked persons, was working with all relevant stakeholders to enforce the 2013 Prevention and Combating in Persons Act, and the South African Police Service had established a dedicated human trafficking desk to coordinate efforts to that end.

59. **Ms. Al-Rumeihi** (Qatar) said that her country was strengthening its legislation to combat trafficking in persons, and was taking steps to raise awareness of that phenomenon within its national institutions. Qatar made every effort to bring traffickers to justice while also providing assistance and protection to their victims. Furthermore, in partnership with the Qatar Foundation for Combating Human Trafficking, the League of Arab States and the United Nations Office on Drugs and Crime, Qatar had launched the Arab Initiative to Build National Capacities to Combat Human Trafficking in the Arab Countries. Qatar was also a member of the Group of Friends United against Human Trafficking.

60. **Ms. Shlychkova** (Russian Federation) said that her country's delegation welcomed the report's focus on combating trafficking in women and children, particularly as children comprised more than 30 per cent of all victims of trafficking. The Russian Federation was strengthening its legislative framework on trafficking, was an active member of the Group of Friends United against Human Trafficking, supported activities by the Office of the High Commissioner for Refugees and provided financial support to the International Training Centre on Migration and Combating Trafficking in Human Beings, located in Minsk, Belarus. She underscored the need to differentiate between irregular migration and human trafficking, and noted that not all irregular migrants were trafficked persons. In that regard, she asked the Special Rapporteur whether there were plans to formulate clear definitions of those two phenomena with a view to facilitating the provision of appropriate support to different categories of migrants.

61. **Ms. Gonzalez Tolosa** (Bolivarian Republic of Venezuela) said that, instead of focusing primarily on the prosecution of traffickers, stakeholders must, first and foremost, adopt anti-trafficking initiatives to protect and uphold the human rights of victims. She asked the Special Rapporteur whether States' increasingly restrictive immigration policies were exacerbating illegal migration and human trafficking, whether States were increasingly focusing on security concerns in their efforts to address migration issues and what the implications of such a policy shift were likely to be.

62. **Mr. Amorós Núñez** (Cuba) said that, although trafficking in persons was not a phenomenon that had a significant impact on his country, it was vital that States collaborated to combat that cross-border scourge. Cuba had therefore adopted a policy of zero tolerance towards trafficking. He asked the Special

Rapporteur what steps could be taken to achieve the 2030 Agenda targets related to human trafficking.

63. **Ms. Giammarinaro** (Special Rapporteur on trafficking in persons, especially women and children) said that to uphold the principle of due diligence, a holistic and innovative interpretation of States' existing obligations was necessary. States should focus, primarily, on preventative measures, including, in particular, enhancing policy coherence by accurately evaluating the impact of all their policies on trafficking. In that connection, she emphasized that, by tightly controlling their borders and severely restricting legal immigration channels, States made it more likely that would-be migrants would choose to travel by difficult or dangerous routes or avail themselves of the services offered by traffickers. Furthermore, it was not possible for a State to make anti-trafficking a priority while simultaneously criminalizing irregular entry into that State, as that deterred victims from reporting trafficking or exploitation. States must also step up their efforts to detect cases of trafficking, in particular by monitoring business activities in sectors of the economy in which workers were at high risk of exploitation. States must also ensure that trafficked persons enjoyed access to remedies, including back payments of salaries and compensation, as that would encourage them to report cases of exploitation. States should also adopt specific, targeted measures to combat all forms of trafficking for the purposes of exploitation effectively, including trafficking for the purpose of labour or sexual exploitation.

64. Trafficking inevitably took place during and following crisis and conflict situations as a direct consequence of the vulnerabilities created by those situations. While it was well known that people attempting to flee crisis situations were often targeted by traffickers, conflict areas could also attract flows of trafficked persons, particularly for the purposes of forced labour and sexual exploitation. Indeed, the presence of armed groups and peacekeepers in an area could fuel a persistent demand for sexual services. To counter that phenomenon, it was crucial to closely monitor and analyse the conduct of contractors and subcontractors in conflict zones.

65. It was particularly important that States upheld the principle of due diligence when working with other countries to comply with their extraterritorial obligations. States should endeavour to make optimal use of all mechanisms provided under the Organized Crime Convention and the Palermo Protocol. International cooperation should not focus exclusively on law enforcement, but must also be undertaken with a view to rehabilitating victims of trafficking, especially when they were returned to their countries of origin, which should never take place without the consent of the trafficked persons concerned.

66. Across the globe, many thousands of children were travelling alone to join relatives in other countries. Every effort must be made to protect those children, who were at great risk of exploitation during their journeys, and they must never be subjected to harsh or restrictive immigration procedures.

67. All commercial enterprises must adopt and enforce policies to ensure that no exploitation occurred in their businesses or supply chains. It was particularly important that those enterprises ensured that their subcontractors enforced strict anti-trafficking and anti-exploitation policies. For example, every effort must be made to prevent the recruitment of workers by agencies that made frauduient claims regarding salaries or the nature and conditions of the work involved. Instead of deporting workers discovered to be working under exploitative conditions, States must work with civil society organizations to offer those workers protection and assistance. It was, moreover crucial to ensure that gender was taken into account when allegations of trafficking and exploitation were investigated. Indeed, investigators must remain cognisant of the fact that women exploited and discriminated against at work were also frequently subjected to sexual exploitation.

The meeting rose at 1.05 p.m.